UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

TALEB N. ALBADRY,)	
)	
Plaintiff,)	
)	
v.)	No. 1:10-CV-336
)	Judge Curtis L. Collier
LPN SUSAN NEWIEPPER, LPN)	
WILSON, DR. REDDING, TENNESSEE)	
DEPARTMENT OF CORRECTIONS, AND)	
HEALTH AND SAFETY INSPECTORS,)	
)	
Defendants.)	

JUDGMENT ORDER

For the reasons expressed by the Court in its memorandum filed herewith, it is hereby **ORDERED** that:

- (1) Plaintiff Taleb N. Albadry's complaint is **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court, and the April 22, 2013, trial date is **CANCELED**. Fed. R. Civ. P. 41(b) (Court File No. 1);
- (2) The motion to dismiss filed on behalf of Defendants is **GRANTED** (Court File No.40); and
- (3) Plaintiff's motion for appointment of counsel is **DENIED as MOOT** (Court File No.36).

It is **FURTHER ORDERED** that upon carefully reviewing this case pursuant to 28 U.S.C. § 1915(a)(3), this Court hereby **CERTIFIES** that any appeal from this action would not be taken

in good faith and would be totally frivolous. Therefore, this Court hereby **DENIES** Plaintiff leave

to proceed in forma pauperis on appeal. See Fed. R. App. P. 24.

The Clerk is **DIRECTED** to close this case.

ENTER.

<u>/s/</u>
CURTIS L. COLLIER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT

s/ Debbie Poplin

CLERK OF COURT